

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

PETER MILLER, CLIFFORD HOYT, and
CAMBRIDGE RESEARCH AND
INSTRUMENTATION, INC.

Plaintiffs,

V.

PATRICK TREADO and CHEMIMAGE CORP.

Defendants.

Case No. 05-10367 RWZ

**ASSENTED-TO MOTION TO IMPOUND DEFENDANTS' OPPOSITION
TO PLAINTIFFS' MOTION TO DISMISS**

Patrick Treado and ChemImage Corp. (hereinafter collectively "Defendants") respectfully move this Court under LR 7.2 to impound Defendants' Opposition to Plaintiffs' Motion Dismiss and Exhibits A, B and G thereto (hereinafter "Defendants' Opposition"). As grounds for this request, Defendants state the following:

1. Counsel for Plaintiffs have designated the deposition testimony of Clifford Hoyt, Peter Miller and Barry Logue, fact witnesses for Plaintiffs, as "CONFIDENTIAL" in accordance with the Protective Order in the present case.

2. Defendants are filing this motion because Plaintiffs' counsel have taken the position that Defendants' Opposition must be filed under seal because it contains quotations from and references to the designated confidential deposition transcripts of Messrs. Hoyt, Miller and Logue.

3. In accordance with Plaintiffs' request, Defendants hereby request that the Court order the impoundment of Defendants' Opposition pursuant to LR 7.2. Defendants' Opposition will be filed promptly following the Court's action on this motion. In the interim, Defendants are filing herewith a redacted, non-confidential version of their Opposition.

4. Pursuant to LR 7.2(a), Defendants request that the sealed documents be impounded for the duration of this case and then returned to Defendants' custody after the period of impoundment.

WHEREFORE, Defendants respectfully request that this Court:

- A. Issue an order impounding the Defendants' Opposition; and
- B. Grant such further and other relief as this Court deems just, equitable and proper.

Respectfully submitted,

PATRICK TREADO AND CHEMIMAGE CORP.

By their attorneys,

/s/ Christopher S. Kroon
Christopher S. Kroon (BBO # 660286)
Anthony J. Fitzpatrick (BBO # 564324)
Duane Morris LLP
470 Atlantic Avenue, Suite 500
Boston, MA 02210
Telephone: 617.289.9220
Fax: 617.289.9201
e-mail: ajfitzpatrick@duanemorris.com

Paul D. Weller (admitted *pro hac vice*)
Morgan, Lewis & Bockius, LLP
1701 Market Street
Philadelphia, PA 19103
Telephone: 215.963.5530
eFax: 215.963.5001
e-mail: pweller@morganlewis.com

June 28, 2007

LOCAL RULE 7.1 CERTIFICATION

Pursuant to 7.1(A)(2), the undersigned certifies that counsel for defendants have attempted to confer with counsel for plaintiffs regarding the issues raised in the foregoing motion. Plaintiffs' counsel indicated they would assent to the motion.

/s/ Christopher S. Kroon

Christopher S. Kroon

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on June 28, 2007.

In addition, complete copies of Defendants' Opposition to Plaintiffs' Motion Dismiss are also being served, via first class mail, on June 28, 2007 on:

Martin B. Pavane, Esq.
Teodor J. Holmberg, Esq.
COHEN, PONTANI, LIEBERMAN AND PAVANE
551 Fifth Avenue
New York, New York 10176
Tel. (212) 687-2770
Fax (212) 972-5487

Brian L. Michaelis, Esq.
Erin E. McLaughlin, Esq.
BROWN RUDNICK BERLACK ISRAELS LLP
One Financial Center
Boston, MA 02111
Tel. (617) 856-8200
Fax (617) 856-8201

/s/ Christopher S. Kroon

Christopher S. Kroon

